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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,024	11/16/2001	David L. Brock	8491.0006	2398

21005 7590 03/18/2004

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EXAMINER

PHILOGENE, PEDRO

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 03/18/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,024

Applicant(s)

BROCK ET AL.

Examiner

Pedro Philogene

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3,4,7-10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoki et al. (6,036,636) in view of Ohm et al. (5,784,542).

With respect to claim 1, Motoki et al disclose a surgical instrument (1) comprising a shaft (11) having at least one controllably flexible segment (16) and a tool (18) mounted at the distal end of the shaft, the tool being insertable into a subject; a shaft mount (12,13,23) drivably coupled to the shaft at a proximal end of the shaft, the shaft mount being drivably coupled to the tool through the shaft; as best seen in FIG.9, and a drive unit (8) and as set forth in column 6, lines 1-6; coupled to the shaft mount, the drive unit being operable to control flexure of the flexible segment so as to control disposition of the tool at an operative site; as set forth in column 17, lines 1-64.

With respect to claims 2-11, Motoki et al disclose all the limitations; as set forth in column 5-18, lines 1-67, and column 19, lines 1-55; and as best seen in FIGS.3-34.

With respect to claim 21, Motoki et al disclose a controllable catheter comprising a tube having a proximal end and a distal end, at least a segment of the tube being controllably flexible; as best seen in FIG.3, a drivable bending mechanism (19,20) mechanically coupled and interactive with the controllably flexible segment of the tube; a computer (145) interconnected to the bending mechanism, the computer having a

program receiving input from a user, and the program directing the bending mechanism to controllably flex the flexible segment of the tube according to the user input; as set forth in column 17, lines 1-64; and as best seen in FIG.27.

With respect to claims 22-23, Motoki et al disclose all the limitations; as set forth in columns 5-18, lines 1-67, and column 19, lines 1-55; and as best seen in FIGS.3-34.

With respect to claim 24, Motoki et al disclose a catheter comprising a shaft having proximal and distal ends at least one controllably flexible segment (16) along a length of the shaft, the distal end being insertable within a body cavity or vessel; a tool (18) mounted at the distal end of the shaft capable of performing a medical procedure, at least two cables (19,20,126) extending along the shaft between the proximal and the distal ends, at least one of the cable associated with the flexible segment; as best seen in FIG.9, of the shaft and at least another of the cables associated with the tool (18); an electronic control mechanism; as best seen in FIGS.27,33; drivably coupled to the cables, the electronic mechanism capable of communicating drive signals from a user input device (144) to the cables to effect bending of the flexible segment and operation of the tool; as set forth in column 17, lines 1-64.

With respect to claims 25-40, Motoki et al disclose all the limitations, as set forth in columns 5-18, lines 1-67, and column 19, lines 1-55; and as best seen in FIGS.3-34.

With respect to claims 15-20 and the above claims, it is noted that Motoki et al teach all the limitations; except for a slave station and an input device being remotely disposed from the slave station; as claimed by applicant. However, in a similar art, Ohm et al evidence the use of a slave station and an input device being remotely disposed

from the slave station to enable a user to operate the slave station via the input device without physically viewing the slave robot.

Therefore, given the teaching of Ohm et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Motoki et al., as taught by Ohm et al to have a device with a slave station and an input device being remotely disposed from the slave station to enable a user to operate the slave station via the input device without physically viewing the slave station.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,855,583	01-1999	Wang et al.
3,414,137	12-1968	Fortin
5,807,377	09-1998	Madhani et al.

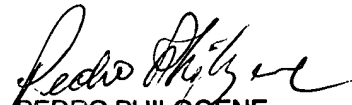
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro Philogene whose telephone number is (703) 308-2252. The examiner can normally be reached on Monday to Friday 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P Shaver can be reached on (703) 308-2582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pedro Philogene
March 15, 2004


PEDRO PHILOGENE
PRIMARY EXAMINER